

July 15, 1958

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CONCORD, N.H.

David J. Vail, M.D.  
Assistant Superintendent  
New Hampshire State Hospital  
Concord, New Hampshire

Dear Dr. Vail:

This is in reply to your letter of July 9, 1958 in which you request our opinion as to whether the trustees of the New Hampshire State Hospital can put into effect different rates for the care of patients, depending upon their length of stay. You state that due to the concentrated treatment which patients receive during approximately the first eight weeks after admission it can be demonstrated clearly that the cost of treatment of patients during approximately the first eight weeks is a good deal greater than the cost during subsequent weeks. Accordingly you ask whether the trustees are empowered to set a rate of, for instance, \$50.00 per week during the first eight weeks after admission and a rate of, for instance, \$26.00 per week thereafter.

Our answer is in the negative. RSA 8:40 provides that the Business Supervisor shall investigate all records of the State Hospital, Laconia State School and the State Sanatorium relative to the cost of care for the patients at such institutions and shall make recommendations to the respective Boards of Trustees as to the rates to be charged for their care. The plural "rates" is used in our opinion solely because section 40 speaks in terms of all of the institutions as a group and contemplates that different rates may be charged by each institution.

RSA 8:41 and 43 provides in general for the State to recover the expense of the care of patients in these institutions. However, RSA 8:44 provides as follows:

"Regular Rate. Each board of trustees or the commission of such institution shall determine a uniform monthly rate to cover the expenses for the care, treatment and maintenance of patients or inmates of such institutions. The tuberculosis commission shall establish a monthly rate to be charged patients receiving care, treatment and maintenance at its direction."

It is our opinion that this section clearly provides that the expenses for the care of patients shall be recovered by each institution

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by setting one uniform rate. Rates may vary from one institution to another, but must be uniform within each institution regardless of the length of the patient's stay or the type of treatment received. See also RSA 8:45 which provides in part as follows:

"Each board of trustees or commission of such institutions ..... may charge less than the uniform monthly rate when a patient or chargeable relatives is unable to pay the regular rate". (Emphasis supplied)

This language clearly contemplates only one regular rate and the only provision made for a variance is that a lesser charge may be imposed if the patient or chargeable relatives are not able to bear the full expense incident to his care and treatment.

We recognize that your proposal may have merit. However, our above opinion represents the practice since the enactment of the statutes referred to therein, and it would seem that this is a matter which should be referred to the Legislature before any change is authorized.

Sincerely yours,

John J. Zimmerman, Jr.  
Assistant Attorney General

JJZ,Jr.-g  
cc: Mr. Leonard Hill